FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

September 14, 2020

ROY MARTINEZ, TREASURER
MONICA DE LA CRUZ HERNANDEZ FOR US CONGRESS
1317 WEST FRONTAGE ROAD SUITE C
ALAMO, TX 78516

Response Due Date
10/19/2020

IDENTIFICATION NUMBER: C00723072

REFERENCE: 12 DAY PRE-RUN-OFF REPORT (04/01/2020 - 06/24/2020)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following **6** item(s):

1. The totals listed on Lines 6(a), 6(c), 7(a), 7(b), 7(c), 11(a)(iii), 11(c), 11(e), 13(a), 13(b), 14, 16, 17, and 22, Column B of the Summary and Detailed Summary Pages appear to be incorrect. Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for this report and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals (11/7/2018 through 11/3/2020). (52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)) and 11 CFR § 104.3)

2. The loan payments disclosed on the Payment to Date calculation of Schedule C do not equal the loan payment(s) itemized on Schedule B of this or any of your committee's previous reports. Each loan payment made by the committee must be itemized on Schedule B regardless of the amount of the payment, and included in the payment to date calculation on Schedule C. Please correct this discrepancy and file an amendment to your report or any previous report where loan payments occurred but were not itemized. (11 CFR § 104.3(b)(4)(iii))

3. Commission Regulations require that a committee discloses the identification of all individuals who contribute in excess of $200 in an election cycle. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name (initials for first or last name are not acceptable), complete mailing address, occupation, and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

The **following** employer and occupation entries appear on your report and are not considered acceptable: "BEST EFFORTS/BEST EFFORTS," "BEST EFFORTS/INFORMATION REQUESTED," "INFORMATION REQUESTED/INFORMATION REQUESTED," and "INFORMATION REQUESTED/INSURANCE BROKER."

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(i)(B) for examples of acceptable statements regarding the requirements of federal law.

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2)) The requests must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

4. Itemized disbursements must include a brief statement or description of why each disbursement was made. Please amend Schedule B supporting Line 17 of your report to clarify the following description(s): "Blank," "T," and "I 360 WORK." For further guidance regarding acceptable purposes of disbursement, please refer to 11 CFR 104.3(b)(4)(i)(A).

Additional clarification regarding inadequate purposes of disbursement and a non-exhaustive list of acceptable purposes are available on the FEC website at http://www.fec.gov/help-candidates-and-committees/purposes-disbursement/.

5. Schedule B of your report discloses reimbursements to individuals for the following disbursement(s): "BUMPER STICKERS" and "OFFICE SUPPLIES." Please be advised that when itemizing reimbursements to individuals for goods or services, if the payment to the original vendor aggregates in excess of $200 in an election cycle, a memo entry including the name and address of the original vendor, as well as the date, amount and purpose of the original purchase must be provided. Please amend your report to include the missing information on Schedule B and clearly identify each memo entry supporting a reimbursement. If itemization is not necessary, you must indicate so in an amendment to this report. (11 CFR §§ 104.3(b)(4)(i) and 104.9, and Advisory Opinions 1992-1 and 1996-20, footnote 3)

6. Schedule C of your report discloses loans for which the source has changed from what was itemized on your previous report(s). With every report submitted, you must provide the name and address of the loan source, the date incurred, the original amount of the loan, the due date, the interest rate, the cumulative payment, and the outstanding balance. In addition, if there are any endorsers or guarantors, their mailing address, along with the name of their employer and occupation, must be disclosed. Please amend your report to the clarify the source for the following loan(s): Barclay Credit, $29,000.00 on 12/23/2019; BBVA Bank, $35,000.00 on 12/23/2019; and First Community, $25,000.00 on 12/23/2019. (11 CFR §§ 100.52(a), 100.52(b) and 104.3(d))

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. For information about the report review process or specific filing information for your committee type, please visit www.fec.gov/help-candidates-and-committees. For more information about Requests for Additional Information (RFAI), why you received a letter, and how to respond, please visit www.fec.gov/help-candidates-and-committees/request-additional-information. Should you have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1440.

Sincerely,

Patrick Harkins
Campaign Finance Analyst

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